

Attorney Docket No.: SGAN-004CIP
U.S. Serial No.: 09/892,018

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-4, 6-25, 29-33, 38-42, and Claim 85, the only claims pending and under examination at this time following entry of the above amendments.

All of currently pending claims under examination have been amended to clarify that the claimed compositions are entirely ingestible. Support for this amendment is found through the specification and examples where entirely ingestible compositions are disclosed. As this amendment introduces no new matter, its entry by the Examiner is also respectfully requested.

Claims 1-4, 6-25, 31- 33, 38-42 and 85 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ribi.

In making this rejection, the Examiner asserts that since Ribi discloses a diacetylene polymer coated toothpick impregnated into food (as would be the case where the toothpick was employed to monitor the temperature of the food) Ribi meets all of the limitations of the claims and therefore anticipates the claimed invention.

Following entry of the above amendments, the claims are clearly directed to compositions that are entirely ingestible and include the chromic change agent. By entirely ingestible is meant that the whole composition, including the agent, can be taken into the mouth, i.e., ingested.

Ribi's disclosure does not teach an ingestible composition. One would not ingest the food and the toothpick disclosed by Ribi. In fact, prior to ingestion of the food, the toothpick would be removed from the food in order to evaluate the temperature of

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the food. As such, the food impregnated with the toothpick disclosed by Ribl is not an entirely ingestible composition.

Accordingly, Ribl does not anticipate Claims 1-4, 6-25, 31- 33, 38-42 and 85 under 35 U.S.C. § 102(b) and this rejection may be withdrawn.

Claim 29 has been rejected under 35 U.S.C. § 103(a) as being obvious over Ribl in view of Food Color Facts. This rejection is based on the reading by the Examiner that Ribl discloses a food with a chromic change agent. As pointed out above, Ribl fails to teach or suggest an entirely ingestible composition that includes the chromic change agent, such that the chromic change agent is intended for ingestion. As Food Color Facts fails to make up this deficiency in the primary reference, this rejection may be withdrawn.

Claim 30 has been rejected under 35 U.S.C. § 103(a) as being obvious over Ribl. This rejection is based on the reading by the Examiner that Ribl discloses a food with a chromic change agent. As pointed out above, Ribl fails to teach or suggest an entirely ingestible composition that includes the chromic change agent, such that the chromic change agent is intended for ingestion, much as a sugar icing. Accordingly, this rejection may be withdrawn.

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CONCLUSION

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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